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Iran-Contra Detail

To paraphrase the old saw, the devil is in the lawyer's detail. In his observations on Iran-contra ["The Butlers Did It," op-ed, Jan. 31], President Reagan's White House counsel, Peter Wallison, reduces Independent Counsel Lawrence Walsh's report to a single detail: whether the coverup of initial arms shipments to Iran, which may have violated the Arms Export Control Act (AECA), was Cabinet-level obstruction of justice.

Wallison contends that the coverup was instigated at National Security Council "staff" level (NSC advisers Robert McFarlane and John Poindexter plus Oliver North) to protect themselves not against prosecution but against discovery by Cabinet officers and the president that the "staff had failed to do its homework," e.g., consult Wallison or other lawyers. He concludes that a false version of the "bureaucratic coverup" was needed to justify "a \$40 million extravaganza styled as an independent counsel's investigation."

Wallison's contention that Poindexter and other "staff" who obstructed inquiries were blindly proceeding without advice of counsel is contradicted by Wallison's own diary. NSC staff dealings with Iran were first revealed in a Lebanese publication on Nov. 3, 1986. Wallison's diary (quoted in Walsh's report) noted that on Nov. 7, Wallison discussed his concern about possible AECA violations with Poindexter, and was told that "the AG [attorney general] had been involved from the beginning." It was not until Nov. 21 that Poindexter and North began destruction of Iran-contra documents. It seems highly unlikely they were unaware that they were destroying evidence of possible violations of law.

North has repeatedly testified that he believed his actions were authorized by the president. McFarlane attempted suicide shortly after the

president, reversing a prior statement, claimed he did not authorize the August 1986 arms shipments arranged by McFarlane. (Subsequently, the president offered a third version: He couldn't remember whether he authorized the shipment or not.) Wallison is right that bureaucrats protect themselves, but sometimes, particularly in the White House, they seek as well to protect the boss.

Though possible AECA violations dominated Wallison's agenda, they

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were no more than a detail in the range of offenses investigated by Judge Walsh, including corruption of U.S.-Iranian relations, diversion of funds to the illegal support of the contras and fraudulent self-dealing, all of which Wallison neglects to mention. Far more serious, the facts revealed in Walsh's report suggest that a parallel, self-funded intelligence capability for clandestine operations was established within the NSC staff, shielding particularly sensitive "black bag" jobs from traditional congressional authorization and oversight of executive functions.

This was a direct assault on the Constitution's balance of powers, permitting the executive branch to pursue operations of high risk to the nation beyond the scrutiny of the people's elected representatives in Congress. In that direction, with any hope at some distance, lies tyranny.

The facts brought to light by Judge Walsh's investigation offer invaluable lessons to future stewards of our foreign policy and intelligence capabilities. They will not mistake Wallison's stunted sapling for the Iran-contra forest.

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